

This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

**As rescanning documents *will not* correct images,
please do not report the images to the
Image Problem Mailbox.**



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,718	01/30/2002	Frederick A. Vero	1803-12	8196

7590

07/17/2003

JOHN LEZDEY
JOHN LEZDEY & ASSOC.
4625 EAST BAY DRIVE
SUITE 302
CLEARWATER, FL 33764

EXAMINER

LINDSEY, RODNEY M

ART UNIT

PAPER NUMBER

3765

3

DATE MAILED: 07/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/060,718

Applicant(s)

VERO ET AL.

Examiner

Rodney M. Lindsey

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

2. Figures 2A and 2B should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 9, line 1 "textile" has no antecedent basis and it appears should be --textile fabric--.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Andrews et al.

Note the base fabric as at 100a and the dissimilar fiber 100b. Product-by-process claims 1 and 11 although reciting structure in terms of how it is made (chain stitching/a computer controlled manipulating step) are still product claims, and it is patentability of the structure of the product which must be determined and not the process steps.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 4-6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews et al. in view of Kuehnel.

Kuehnel teaches old the use of cotton or wool in a glove inherently of a tensile modulus of elasticity as claimed. It would have been obvious to form the base fabric of Andrews et al. of the cotton and wool of Kuehnel to achieve a durable glove capable of standing hard usage. With respect to claim 6 note the use of polyester in Andrews et al. (see claim 11, thereof).

Art Unit: 3765

9. Claims 3, 7, 8, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews et al. in view of Sullivan.

Sullivan teaches old the use of high performance fibers of a tensile modulus of elasticity as claimed (see column 3, line 67). It would have been obvious to provide the glove of Andrews with the high performance fibers of Sullivan to achieve the like result of protecting the hand against injury. With respect to claims 7 and 8 note the inorganic fiberglass fibers of Andrews et al. With respect to claims 7 and 9 note the use of aramid fibers in Andrews et al.

10. Claims 12 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews et al. in view of Inoue et al.

Andrews et al. shows manipulating a base fabric as at 100A and manipulating a dissimilar fabric as at 100B. Inoue et al. teaches old the use of a computer to selectively manipulate different fabric. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the method shown by Andrews et al. with the computer of the method taught by Inoue et al. to achieve the advantage of automatically manipulating the dissimilar fabric. With respect to claim 14 note the step of knitting as disclosed by Andrews et al. With respect to claims 15 and 16 note the glove of Andrews et al.

11. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews et al. in view of Inoue as applied to claim 12 above, and further in view of Robins et al.

Robins et al. teach old sewing a glove in a chain stitch manner. It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the chain stitch manner of Robins et al. in the method of Andrews et al. to achieve the advantage of incorporating old and well known processes.

Art Unit: 3765

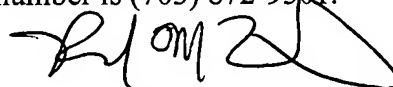
Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note particularly, the fabric materials of Hacskaylo, Attenborough, Kraatz, Newman, Zhu et al., Baris and Hartmanns et al., and the methods of Plemmons et al., Shima, Plath, Bentley and World patent to Sciacca.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney M. Lindsey whose telephone number is (703) 305-7818. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (703) 305-1025. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 872-9301.



Rodney M. Lindsey
Primary Examiner
Art Unit 3765

rml
July 11, 2003